

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM No. M-30498 of 2016 (O&M)

Date of Decision: 16.01.2017

Monu @ Sukka

--Petitioner

Versus

State of Haryana

--Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

Mr. Abhimanyu Singh, Advocate for the complainant.

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**TEJINDER SINGH DHINDSA.J**

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.271 dated 15.08.2016 under sections 147, 149, 447, 452, 323, 506, 427 I.P.C, registered at Police Station, Bhondsi, District Gurgaon.

Counsel for the parties have been heard.

Briefly noticed, the FIR was registered on the complaint of Krishan Kumar Chawla and who stated that he is the owner in possession of a plot at Sohna Road, Gurgaon and had constructed boundary wall, a room and had also affixed an iron gate over it.

Allegations are against certain unknown persons, who had made an attempt to take possession of the plot with the aid of a J.C.B machine and had also initiated the digging of the foundation. The allegations put forth by the complainant Krishan Kumar Chawla are as per the version of a Chowkidar that he had employed.

On 31.08.2016, while issuing notice of motion in the instant petition, the following order was passed by this Court:-

*“Learned counsel for the petitioner contends that the petitioner is not named in the FIR and no recovery is required to be effected from him.*

*Notice of motion for 28.11.2016.*

*In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”*

Learned State counsel upon instructions from ASI Ahmed Aziz would apprise the Court that the petitioner has since joined investigation. Even though, counsel appearing for the complainant has opposed the prayer made in the petition but it stands conceded that the possession of the plot in question is very much with the complainant.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 31.08.2016, passed by this Court, is made absolute.

Petition disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**16.01.2017**

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Whether speaking/reasoned: Yes  
Whether Reportable: Yes